

DISTRICT JUDGE BENJAMIN H. SETTLE
MAGISTRATE JUDGE DAVID W. CHRISTEL

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

BROOKE LYN SONIA,

Plaintiff,

v.

KARIE RAINER, et al.,

Defendants.

NO. 3:19-cv-5979-BHS-DWC

DEFENDANTS' ANSWER TO
PLAINTIFF'S AMENDED
COMPLAINT AND JURY DEMAND

The Defendants respectfully file the following Answer to Plaintiff's Amended Complaint.¹ Dkt. 12. Under Federal Civil Rule 8(b), Defendants generally deny each allegation of fact in the Plaintiff's Amended Complaint unless the allegation of fact is expressly admitted. Defendants will not respond to legal arguments contained in the Plaintiff's Amended Complaint and will deny them if it is unclear if the Plaintiff is asserting a factual or legal claim.

I. DEFENDANTS

Defendants admit they have been named in their official capacity as parties to the Plaintiff's Amended Complaint and are employed by the Washington state Department of Corrections.

¹ Plaintiff's complaint appears to start at page 11 and Defendants answer will address the claims raised in this section of the pleading.

II. INTRODUCTION

1. Defendants admit Plaintiff identifies as transgender and has been diagnosed with gender dysphoria. Defendants assert Plaintiff's medical and mental health records speak for themselves.

2. Defendants admit that there are many forms of treatment for gender dysphoria.

3. Defendants neither admit nor deny the information contained in this paragraph of the complaint, as they do not have the information to answer this claim.

4. Deny.

5. Deny.

6. Defendants neither admit nor deny the allegations made in this paragraph of the Plaintiff's Amended Complaint as they merely restate his claims.

III. JURISDICTION AND VENUE

Defendants admit this Court has jurisdiction over the claims raised in the complaint. Defendants deny venue is appropriate as Plaintiff seeks injunctive relief and was housed at the Washington State Penitentiary in Walla Walla, Washington at the time he filed this complaint.

IV. PARTIES

10. Admit.

11. Admit.

12. Deny.

13. Deny.

14. Admit.

15. Admit.

16. Deny.

17. Defendants neither admit nor deny as this calls for a legal conclusion.

18. Defendants neither admit nor deny as this calls for a legal conclusion.

19. Defendants neither admit nor deny as this calls for a legal conclusion.

20. Deny.

V. FACTUAL ALLEGATIONS

21.-32. Defendants admit that the World Professional Association for Transgender Health is an organization that promotes standards of care for transgender individuals. Defendants assert that the WPATH standards of care speak for themselves. Defendants deny that the WPATH standards take into consideration the unique considerations for inmates.

33. Defendants neither admit nor deny the information contained in this paragraph of the complaint, as they do not have the information to answer this claim.

34. Defendants neither admit nor deny the information contained in this paragraph of the complaint, as they do not have the information to answer this claim.

35. Defendants neither admit nor deny the information contained in this paragraph of the complaint, as they do not have the information to answer this claim.

36. Deny.

37.-70 Deny all allegations listed in these paragraphs of the complaint. Plaintiff's medical and mental health records and grievance records speak for themselves.

71. Deny.

72. Deny.

73. Deny.

VI. RELIEF

Defendants deny Plaintiff is entitled to any of the relief set forth in this section of the Plaintiff's Amended Complaint. Defendants will not respond to any further allegations listed in this section as they call for legal conclusions.

VII. PRAYER FOR RELIEF

Defendants deny Plaintiff is entitled to any of the relief set forth in this section of the Plaintiff's Amended Complaint.

VIII. AFFIRMATIVE DEFENSES

Having answered the allegations of Plaintiff's Second Amended Complaint, and by way of further answer and affirmative defense, Defendants affirmatively allege:

1. Plaintiff has failed to state a claim upon which relief can be granted, because she has not alleged facts that rise to the level of a civil rights violation under 42 U.S.C. § 1983.

2. All acts allegedly done by the Defendants with respect to Plaintiff were done in the reasonable belief that they were in accordance with the Federal Constitution, and the laws of the state of Washington and the United States. Defendants also acted pursuant to published policies and field instructions, which they could have reasonably believed were constitutional. Defendants are entitled to qualified immunity from damages.

3. Plaintiff has not fully exhausted her administrative remedies.

4. Defendants reserve the right to allege additional affirmative defenses after the completion of discovery.

IX. JURY DEMAND

Should this matter proceed to trial, Defendants demand that a jury determine all issues of fact.

RESPECTFULLY SUBMITTED this 26th day of February, 2020.

ROBERT W. FERGUSON
Attorney General

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